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General Assembly
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Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixtieth year

Identical letters dated 18 August 2005 from the Chargé d'affaires a.i. of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General and to the President of the Security Council

While much attention has been paid to Israel's withdrawal from Gaza and parts of the northern West Bank, an action widely heralded as a force for positive changes to the situation on the ground, the occupying Power continues to commit systematic human rights violations, State terrorism and even war crimes against the Palestinian people under its occupation. The humanitarian hardships faced by the Palestinian people continue to rise as Israel, the occupying Power, continues to wage its military campaign in the Occupied Palestinian Territory, killing and wounding civilians, destroying property and relentlessly imposing collective punishments on the entire Palestinian civilian population. There is hardly a single day that passes in which a Palestinian life is not taken by the Israeli occupying forces, with 51 Palestinians, including women, children and the elderly, being killed in the past two months.

In addition to the killings, destruction and collective punishments perpetrated by the Israeli occupying forces, the Palestinian people continue to be subjected to ongoing harassment, violence and destruction committed by illegal Israeli settlers. The latest attack by an illegal settler occurred against the backdrop of the highly anticipated and long-awaited Israeli withdrawal from the Gaza Strip and parts of the northern West Bank, after 38 consecutive years of brutal occupation. The attack occurred yesterday, Wednesday, 17 August 2005, in the northern West Bank near the illegal Israeli settlement of "Shilo", when an illegal settler grabbed a gun from an Israeli security guard at knifepoint and then opened fire from close range, brutally killing four innocent Palestinian civilians with absolute impunity. Two Palestinians were killed instantaneously, and a third wounded Palestinian was taken by the illegal settler to another area where he shot him dead at point-blank range. The fourth Palestinian was declared clinically dead today.

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Illegal Israeli settlers, currently numbering more than 400,000 throughout the Occupied Palestinian Territory, including East Jerusalem, have been allowed by the occupying Power to terrorize the Palestinian people and to kill, destroy and steal with vicious impunity. The occupying Power must be held fully accountable for the actions taken by illegal Israeli settlers against the Palestinian civilian population and must bring the perpetrators of such repeated criminal acts to justice.

Moreover, while the attention is focused on Israel's withdrawal from Gaza and parts of the northern West Bank, Prime Minister Ariel Sharon announced yesterday that following the withdrawal from Gaza, its colonial settlement campaign would, in fact, continue and be accelerated. The international community must compel the occupying Power to cease its continued confiscation and destruction of Palestinian land for the purpose of illegal settlement building and for its unlawful construction of its expansionist Wall in the Occupied Palestinian Territory, including in and around East Jerusalem.

For its part, the Palestinian leadership is exerting maximum efforts to ensure a smooth and successful Israeli withdrawal from Gaza and parts of the northern West Bank. The Palestinian side holds the sincere hope that a successful withdrawal will be the first step towards the full implementation of the road map in order to achieve the two-State solution of Israel and an independent, sovereign and territorially contiguous Palestine, living side by side in peace and security on the basis of the pre-1967 borders.

This letter is in follow-up to our previous 219 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 6 June 2005 (A/ES-10/303-S/2005/372) constitute a basic record of the crimes committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

Accordingly, in follow-up to the above-mentioned letters, it is my profound regret to inform you that, since our last letter to you, which included an attached list of martyrs, dated 17 May 2005, at least 51 more Palestinians have been killed by the Israeli occupying forces, raising the total number of martyrs killed since September 2000 to 3,715. (The names of the martyrs that have been identified are listed in the annex to the present letter.)

I would be grateful if you would arrange to have the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Nadya **Rasheed**
Chargé d'affaires a.i.

Annex to the identical letters dated 18 August 2005 from the Chargé d'affaires a.i. of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General and to the President of the Security Council

Names of martyrs killed by the Israeli occupying forces in the Occupied Palestinian Territory, including East Jerusalem* (From Tuesday, 17 May, to Thursday, 18 August 2005)

Tuesday, 17 May 2005

Ahmad Roubine Abdel Rahman Barhoume

Thursday, 19 May 2005

Ahmad Mustafa Shahwane

Friday, 20 May 2005

Mohamad Rabhi Baraka

Friday, 27 May 2005

Azzam Attiya Asaad Siwane

Sunday, 29 May 2005

1. Mohamad Mustafa Amine Al-Haj Ahmad
2. Omar Radi Akilane Houchiya

Thursday, 2 June 2005

Dargham Sokrate Al-Jiyoussi

Saturday, 4 June 2005

Ramadan Mahmoud Ali Moshtaha

Tuesday, 7 June 2005

1. Merawah Khaled Tawfiq Kamil
2. Nasser Said Abdel Rahim Zakarna

Sunday, 12 June 2005

Ahmad Masoud Marzouk Othmane

Friday, 17 June 2005

Zahra Issa Zaboune

* The total number of Palestinian martyrs killed by the Israeli occupying forces since 28 September 2000 is 3,715.

Saturday, 18 June 2005

Anwar Mohamad Al-Attaoui

Monday, 20 June 2005

Iwwad Saleh saleem Al-Nabbahine (17 years old)

Thursday, 23 June 2005

Bashar Arif Abdelwali Bani Ouda

Thursday, 7 July 2005

1. Khaled Mohamad Issa Al-Massimi (18 years old)
2. Ahmad Sobhi Chihab

Friday, 8 July 2005

Mohibe Ahmad Namire Assi (15 years old)

Monday, 11 July 2005

Nour Fariss Najm (16 years old) (from wounds sustained on 7/7/2005)

Wednesday, 13 July 2005

Mohamad Fawzi Yussef Chahada

Thursday, 14 July 2005

Mohamad Sawfat Khalil Assi

Friday, 15 July 2005

1. Mohamad Youssef Abdel Fattah Ayyach
2. Mohamad Ahmad Salama Marii
3. Adel Ghazi Mohamad Haniya
4. Assem Marwane Abou Rasse
5. Amjad Anware Arafate
6. Saber Mohamad Abu Assi

Saturday, 16 July 2005

1. Samer Abdelhady Mohamad Dawahka (from wounds sustained on 15/7/2005)
2. Mouade Jamal Abu Salima (16 years old) (from wounds sustained on 15/7/2005)

Sunday, 17 July 2005

1. Said Issa Siyame
2. Raghib Abderrahmane Al-Hmari Al-Massri (15 years old)

Tuesday, 19 July 2005

1. Ibrahim Dahire Mohamad Abahira
2. Warid Mohamad Dahire Abahira

Wednesday, 20 July 2005

Mohamad Masbah Ghannam (from wounds sustained on 13/7/2005)

Thursday, 21 July 2005

1. Abderrahmane Ahmad Abu Moala
2. Adnane Jamile Wadi

Friday, 22 July 2005

1. Hamed Mohamad Harbi Al-Doh
2. Ihssan Mohamad Attiya Khalil Abu Hamdiya (18 years old)

Sunday, 24 July 2005

1. Tarek Sulaimane Yassine
2. Yahya AlRisse Hammade Abu Tah

Wednesday, 27 July 2005

1. Mousa Jamal Ibrahim Al-Alama (14 years old)
2. Youssef Khalil Sadeq Al-Hassis

Thursday, 28 July 2005

1. Jawad Adel Abdelaziz Abu Mogssib (18 years old)
2. Moayade Fathi Rachid Moussa

Sunday, 7 August 2005

Mohamad Hamdane Kichta

Tuesday, 9 August 2005

Tamer Asaad Khodr Zindik (15 years old)

Wednesday, 10 August 2005

Ameene Mahmoud Time

Wednesday, 17 August 2005

1. Mohamad Ali Manssour
2. Bassame Moussa Ahmad Tawafcha
3. Oussama Moussa Ahmad Tawafcha
4. Khalil Mohamad Saleh Walwile

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Fifty-ninth session
Agenda item 29
Question of Cyprus

Security Council
Sixtieth year

Letter dated 16 August 2005 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 12 August 2005, addressed to you by Mr. Reşat Çağlar, Representative of the Turkish Republic of Northern Cyprus, forwarding the letter of Mr. Serdar R. Denktaş, Deputy Prime Minister and Minister for Foreign Affairs of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of Mr. Denktaş's letter could be circulated as a document of the General Assembly, under agenda item 29, and of the Security Council.

(*Signed*) Baki **İlkin**
Ambassador
Permanent Representative

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Annex to the letter dated 16 August 2005 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to convey herewith a letter dated 4 August 2005 addressed to you by Mr. Serdar R. Denktaş, Deputy Prime Minister and Minister for Foreign Affairs of the Turkish Republic of Northern Cyprus (see attachment).

(*Signed*) Reşat **Çağlar**
Representative
Turkish Republic of Northern Cyprus

Attachment

I have the honour to refer to your report of 27 May 2005 (S/2005/353) on the United Nations operation in Cyprus and the subsequent United Nations Security Council resolution 1604 (2005), which was adopted on 15 June 2005.

I wish to stress, at the outset, that an objective assessment of the situation on the ground as well as an impartial approach is evident in the general structure and content of your present report. Similarly, it is most promising that Security Council resolution 1604 (2005) reflects a fairly balanced stance in comparison to previous resolutions, particularly those adopted in the past couple of years. The following considerations are brought to your kind attention, without prejudice to our general satisfaction regarding the positive aspects of your report and Security Council resolution 1604 (2005).

We have observed with pleasure the references in paragraphs 2, 36 and 37 of your report, which reiterate in clear terms that the United Nations Peacekeeping Force in Cyprus (UNFICYP) is stationed and operates in Cyprus with the consent and cooperation of the Turkish Cypriot and the Greek Cypriot sides. I wish to convey, in this context, our firm commitment to full cooperation with UNFICYP as well as our agreement with the continuation of its activities, which undoubtedly contribute to the search for a comprehensive settlement of the Cyprus issue. While we regard the noting in resolution 1604 (2005) of the fact that that "UNFICYP enjoys good cooperation from both sides" a welcome development, this terminology is far from reflecting the realities on the ground. It is regrettable that the Security Council chose to disregard the aforementioned statements in your report and stressed that the "Government of Cyprus" agrees that "it is necessary to keep UNFICYP beyond 15 June 2005". This approach leads to the conclusion that only the agreement of the "Government of Cyprus" is necessary for the extension of the mandate of the United Nations Peacekeeping Force in Cyprus.

It is an established United Nations principle that peacekeeping in any area of the world can only be conducted with the consent and cooperation of all the concerned parties. It is in line with this United Nations principle that the views of Greek Cypriot and Turkish Cypriot sides as well as the three guarantor Powers are sought for the extension of UNFICYP's mandate. Moreover, the undeniable reality that UNFICYP functions in Cyprus with the consent and cooperation of the Turkish Cypriot side is well known to and accepted by the relevant United Nations authorities. We firmly believe, therefore, that the foregoing need to be reflected by the relevant United Nations organs in explicit language. In this respect, there is a shortcoming in paragraph 2 of your report where there is no mention of the fact that the review team also consulted the three guarantor Powers. It should also be stressed, in this context, that the "Government of Cyprus" to which reference is made in resolution 1604 (2005) is neither the legitimate successor of the 1960 Republic of Cyprus nor has the right or the jurisdiction to represent or act on behalf of the whole island.

There is no reference in paragraph 6 of your report of 27 May to your previous report on the mission of good offices dated 28 May 2004 (S/2004/437). We believe it will play into the hands of the Greek Cypriot side to portray you as distancing yourself from your report of 28 May 2004, given the fact that two references had been made to the said report in your previous report on UNFICYP. Moreover,

stressing the report of 28 May in connection with your good offices mission was particularly important as your references were previously overlooked by the Security Council. Nevertheless, it is most astonishing that the Council repeated its unbecoming reference to resolution 1251 (1999). We find it difficult to understand as to why the Council insists on emphasizing a past resolution while disregarding your report of 28 May 2004, which incorporated important observations on both the negotiating process and the referenda results on your comprehensive settlement plan on Cyprus. This approach does not contribute to the sound assessment of the recent developments and the shaping of future efforts towards a settlement.

Paragraph 7 of your report refers to developments pertaining to the accession process of Turkey to the European Union. I should stress that the importance of including such information in a technical report on the operations of UNFICYP eludes us. On the other hand, information of significant relevance is excluded in paragraph 9, which deals with the issue of missing persons. The fact that we, as the Turkish Cypriot side, have made two written representations to the United Nations in order to help bring about the full implementation of the provisions pertaining to the 1981 terms of reference of the Committee on Missing Persons should have been included in the said paragraph.

It needs to be noted that the joint exercises by the Turkish Cypriot and Turkish forces to which reference is made in paragraph 11 of your report is purely a training exercise that has been taking place for the past 30 years on a regular basis. The structure and the wording of paragraph 11 are most unbecoming as it culminates in the erroneous placement of a standard activity on the same level as the shooting of a Turkish Cypriot soldier by a member of the Greek Cypriot National Guard. Moreover, the Turkish Cypriot soldier involved is erroneously presented as a member of the Turkish forces. The inappropriate downgrading of the shooting incident, which carried serious provocative potential, does not encourage strict measures aimed at preventing future occurrences. The restraint displayed by the Turkish Cypriot side was the main factor preventing the escalation of tension between the Turkish Cypriot and Greek Cypriot soldiers stationed in close vicinity along the buffer-zone.

We welcome the recording of our lifting the restrictions on UNFICYP in both paragraph 15 of your report and in resolution 1604 (2005). We noted with disappointment, however, that the inappropriate practice of referring to the village of Akyar has continued both in your report and the Security Council resolution. I wish to reiterate, therefore, that the village of Akyar has no connection to the buffer-zone and does not fall within the scope of the mission of the United Nations Peacekeeping Force in Cyprus. It should also be noted that the UNFICYP personnel in Cyprus agreed upon visiting the area that there is no tangible measure that can be taken on the ground regarding the situation in Akyar following the commencement of mutual crossings in the island. It is most unbecoming, therefore, that this issue is kept on the agenda.

The terminology in paragraph 21 falls short of reflecting the preventive Greek Cypriot attitude regarding the crossing of commercial vehicles from North to South Cyprus. The relevant wording gives the wrong impression that the buses and taxis registered in the North are allowed to cross to South Cyprus on certain conditions. The truth of the matter is that the Greek Cypriot administration adopted a most insincere practice in this regard. While it argues that there are no restrictions on the

crossing of commercial vehicles, its refusal to accept driving licenses issues in North Cyprus stands as an effective impeding measure. It should have been clearly stated in the said paragraph that the Greek Cypriot side is hampering the crossing of commercial vehicles registered in the North to South Cyprus on "technical grounds".

It is regrettable that substantive information is missing in paragraphs 23 and 24. It is well known that the Turkish Cypriot side repeatedly called for cooperation on the murder of three Turkish Cypriots living in South Cyprus. It is also no secret that the Greek Cypriot authorities refused to share any information from the first day of investigations on this serious crime. Nevertheless, Turkish Cypriot police forces arrested eight suspects on credible grounds but were in need of forensic evidence for a solid case against the suspects. Despite our numerous representations and the good offices of UNFICYP, the Greek Cypriot authorities refused to hand over the necessary evidence on purely political grounds. The maximum pre-trial detention period was thus exhausted and our relevant authorities had no choice but to release the murder suspects. We regard the omitting of the foregoing facts as a serious shortcoming of paragraph 23.

The lack of official contacts and cooperation on humanitarian issues between the two sides are presented in a misleading manner in the aforementioned paragraphs. As the Turkish Cypriot side, we have repeatedly expressed our readiness to establish contacts at all levels and to cooperate on humanitarian issues with the Greek Cypriot side. We strongly believe that neither the ongoing political dispute nor the position of the parties should stand in the way of establishing cooperative relations to the benefit of both communities. The numerous calls of our President, Mr. Mehmet Ali Talat, to commence unofficial contacts with a view to discussing humanitarian and daily affairs have been widely reported, including in the Greek Cypriot press. In fact, his readiness in this regard has also been conveyed to the Greek Cypriot leader, Mr. Papadopoulos, through the good offices of UNFICYP. Unfortunately, the Greek Cypriot side failed to respond positively to our constructive initiatives. While we appreciate the inclusion of this all important subject in your present report, we deem it a substantive oversight that the Turkish Cypriot willingness to establish contacts with the Greek Cypriot side was not mentioned in the relevant paragraphs.

I wish to refer, before I conclude, to the apparent technical error in paragraph 27. The Turkish Cypriot school to which reference is made within the context of the Greek Cypriot pledge that it would be opened in South Cyprus is, in fact, an elementary school and not "a Turkish secondary school" as stated in paragraph 27.

(*Signed*) Serdar R. **Denktaş**
Deputy Prime Minister
and Minister for Foreign Affairs